

1 **ChenJin Hong.rem**

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8 Attorneys for the United States of America

9 IN THE UNITED STATES DISTRICT COURT

10 FOR THE DISTRICT OF GUAM

11 UNITED STATES OF AMERICA,	)	CRIMINAL CASE NO. 99-00048
	)	
12 Plaintiff,	)	
	)	
13 vs.	)	PETITION TO REMIT FINE
	)	[18 U.S.C. § 3573]
14 JIN HONG CHEN,	)	
	)	
15 Defendant.	)	
_____	)	

16  
17 COMES NOW the United States of America, by and through its undersigned counsel,  
18 and respectfully petitions this Court pursuant to 18 U.S.C. § 3573 for the entry of an order  
19 remitting the unpaid fine earlier imposed upon Defendant JIN HONG CHEN and in support  
20 hereof, states as follows:

21 1. On October 24, 2005, sentence was imposed by this Court against Defendant  
22 JIN HONG CHEN. Among other things, a \$4,000.00 fine was ordered. Interest accrues at the  
23 legal rate of 4.32 percent. The total amount now owed by said Defendant is \$4,401.85 as of  
24 March 6, 2008.

25 2. Upon information received from the Immigration and Customs Enforcement  
26 Deportable Alien Control System (ICE/DACS), the defendant, JIN HONG CHEN was deported  
27 to China on January 12, 2006. See Exhibit "A."

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1           3.       On October 3, 2006, our office confirmed with the Bureau of Immigration and  
2 Customs Enforcement that no confiscated money is in their custody.

3           4.       No current address is available for defendant.

4           5.       Section 3573 of Title 18, United States Code, as amended, provides in pertinent  
5 part as follows:

6                   Upon petition by the Government showing that reasonable efforts to  
7 collect a fine or assessment are not likely to be effective, the court may, in the  
8 interest of justice --

                  (1) remit all or part of the unpaid portion of the fine or special  
assessment, including interest and penalties . . . .

9           6.       The United States Attorney has determined that in light of Defendant's  
10 deportation, there is no reasonable likelihood that expending further efforts to collect the special  
11 assessment fee will produce any revenue to the United States. To the contrary, any further  
12 efforts will needlessly expend resources that could be better directed to areas with greater  
13 potential for recovery.

14           7.       The interests of justice mitigate in favor of remission of the unpaid fine including  
15 interest.

16           WHEREFORE, the United States of America respectfully requests that this Court enter  
17 an order remitting the unpaid fine imposed upon Defendant.

18           DATED this 6<sup>th</sup> day of March, 2008.

19  
20                                   LEONARDO M. RAPADAS  
21                                   United States Attorney  
22                                   Districts of Guam and NMI

23                                   By:   /s/ Mikel W. Schwab  
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A-NUM : 072670592

LAST-NAME : CHEN

NATLTY: CHINA

FIRST-NAME: JIN HONG

DATE-DOCKET-CLEARED: 01/16/2006

DEPART-CLEARED-STAT: 6

TRANSFER-TO-DCO:

DATE-DOCKET-TRANSFER:

DATE-DEPARTED: 01/12/2006

PORT-DEPARTED: AGA

DEPART-COUNTRY: CHINA

FINAL-CHARGE: R2A3

EXPENSE-CODE: 5

HIT PF4 TO RETURN TO CASE SELECT SCREEN OR ENTER FOR NEXT SCREEN

